IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 733 of 2005

Between:

Sri P. Shantharam S/o P. Sridharam
R/o Varadaiahpalem Village and Mandal, Chittoor District

... PETITIONER

AND

1 The district Collector, Chittoor District Chittoor Town and District
2 The Joint Collector, Chittoor District At Chittoor Town and District
3 The Revenue Divisional Officer, Tirupathi, Chittoor District
4 The Mandal Revenue Officer, Vardaiahpalem Mandal, Chittoor

District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing the proceedings No. Rc./278/2004 dt 29-12-2004 in canceling DKT Pattas issued in favour of the petitioenr herein as illegal, arbitrary high handed one and unconstitutional and set a side the same.

Counsel for the Petitioner: MR.B.NARAYANA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue, and with their consent, the writ petition itself is disposed of at the stage of admission.

2. As against the impugned order dated 29-12-2004 passed by the fourth respondent-Mandal Revenue Officer, it is submitted by the learned Government Pleader for Revenue, and admitted to by the learned counsel for the petitioner that an effective alternative remedy by way of appeal is available before the third respondent-Revenue Divisional Officer under Section 4-A of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

3. If that be so, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is at liberty to avail the remedy of appeal against the impugned order, as available to him under
Section 4-A of the Act, by filing an appeal, together with an application for stay, before the third respondent-Revenue Divisional Officer, within a period of four weeks from today, and on filing such appeal, the third respondent-Revenue Divisional Officer, shall either dispose of the appeal or the interlocutory application, and till appropriate orders are passed on the interlocutory application, status quo obtaining as on today shall be maintained by the parties.

The writ petition is accordingly disposed of. No costs.

N.V. RAMANA, J

January 25, 2005

MRR / NSR

COPY TO:

1 The District Collector, Chittoor District Chittoor Town and District
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3 The Revenue Divisional Officer, Tirupathi, Chittoor District
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District

5 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

6 Two C.D. Copies.